

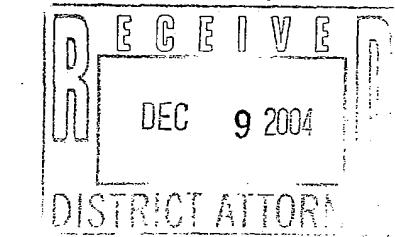


SUPREME COURT OF PENNSYLVANIA
WESTERN DISTRICT

JOHN A. VASKOV, ESQUIRE
DEPUTY PROTHONOTARY

PATRICIA A. NICOLA
CHIEF CLERK

December 6, 2004



801 CITY-COUNTY BUILDING
PITTSBURGH, PA 15219-2463
(412) 565-2816
www.aopc.org

Mr. Edward Joseph McNatt
DL-6772
P.O. Box 1000
Houtzdale, PA 16698

Re: Commonwealth v. Edward Joseph McNatt
No. 77 WM 2004

Dear Mr. McNatt:

After review, we have filed your document titled "Motion to Dismiss Commonwealth's Filing as Untimely and Request for Relief," received in our office on November 23, 2004, as an answer to the Commonwealth's response. Please note, however, that the assertions contained in paragraphs 4 through 6 are based on an improper assumption regarding the telephone contact between the District Attorney's office and this office. Specifically, the call was not initiated in this office by Daryl or anyone else. Rather, the District Attorney's office called to advise that the response had been mailed that day along with a postal form 3817 certificate of mailing. The response then arrived the next day with the 3817 form, and was docketed with the date reflected on the form as the filing date. Although the appellate rules providing for the use of form 3817 to establish the date of mailing as the filing date specifically mention only initiating documents, such as notices of appeal, petitions for review, and petitions for allowance of appeal, it is our practice to accept them in like manner for responsive pleadings.

Very truly yours,

Office of the Prothonotary

cc: Maria Battista Kerle, Esq.

JUDGE'S CHAMBERS

TWENTY - EIGHTH JUDICIAL DISTRICT OF PENNSYLVANIA
COUNTY OF VENANGO
FRANKLIN, PENNSYLVANIA 16323

OLIVER J. LOBAUGH
JUDGE

(814)432-9610
FAX (814)432-9615

June 30, 2005

Edward J. McNatt
DL-6772
P.O. Box 1000
Houtzdale, PA 16698

Dear Mr. McNatt:

This office has received your correspondence and Motion addressed to Judge Lobaugh on June 27, 2005. I have forwarded a copy of your correspondence and Motion to your counsel, William Cisek, Esquire, as well as the District Attorney. The Court is taking no action on your pro se filing at this time.

Sincerely,



Cynthia Orpen, Esquire
Law Clerk to the Honorable Oliver J. Lobaugh

Cc: file
DA
William Cisek, Esquire

Commonwealth v. Anthony , 553 Pa. 55, 717 A.2d 1015, 1018 (1998)	4
Commonwealth v. Bracalielly , 540 Pa. 460, 658 A.2d 755, 760 (1995)	4
Commonwealth v. Calloway , 675 A.2d 743, 450 Pa.Super. 227, Super. 1996	4
Commonwealth v. Douglas , 645 A.2d 226, 230 (1994)	4,5
Commonwealth v. Dunbar , 470 A.2d 74, 77 (Pa. 1983)	4
Commonwealth v. Ellison , 651 MDA 2004 (June 3)	4
Commonwealth v. Hockenberry , 549 Pa. 527, 701 A.2d 1334, 1337 (1997)	4
Commonwealth v. Lanzy , 736 A.2d at 571-572	4
Commonwealth v. Liebel , 825 A.2d 630 (Pa. 2003)	4
Commonwealth v. McPhail , 692 A.2d 139, 547 Pa. 519 (1997)	4
Commonwealth v. Miller , 431 A.2d 233 (Pa. 1981)	4
Commonwealth v. Neidig , 340 Pa.Super. 217, 224, 489 A.2d 921, 924 (1985)	6
Commonwealth v. Pierce , 527 A.2d 973, 975-76 (Pa. 1987)	4
Commonwealth v. Walker , 468 Pa. 323, 362 A.2d 227 (1976)	6
Strickland v. Washington , 466 U.S. 668 (1994)	4
Article I, Section 9 of the Pennsylvania Constitution	4
Article I, Section 10 of the Pennsylvania Constitution	2
Article V, Section 9 of the Pennsylvania Constitution	4
Eighth Amendment of the United States Constitution	6
Rules of Professional Conduct, Rule 3.8	5
Sixth Amendment of the United States Constitution	4
U.S.C.A. Constitution, Amendment 5	4
18 Pa.C.S.A. §111	4
42 Pa.C.S.A. 9543(a)	5
42 Pa.C.S.A. 9543(a)(2)(ii)	2,4,5



COMMONWEALTH OF PENNSYLVANIA
BOARD OF PROBATION AND PAROLE

1101 S. Front Street
Harrisburg, Pa. 17104 - 2519

NOTICE OF BOARD DECISION

NAME: EDWARD JOSEPH MCNATT
INSTITUTION: SCI - HOUTZDALE

PAROLE NO: 0312V
INSTITUTION NO: DL6772

AS RECORDED ON MARCH 29, 2005 THE BOARD OF PROBATION AND PAROLE RENDERED
THE FOLLOWING DECISION IN YOUR CASE:

FOLLOWING AN INTERVIEW WITH YOU AND A REVIEW OF YOUR FILE, AND HAVING
CONSIDERED ALL MATTERS REQUIRED PURSUANT TO THE PAROLE ACT OF 1941, AS
AMENDED, 61 P.S. § 331.1 ET SEQ., THE BOARD OF PROBATION AND PAROLE, IN THE
EXERCISE OF ITS DISCRETION, HASDETERMINED AT THIS TIME THAT: YOUR BEST
INTERESTS DO NOT JUSTIFY OR REQUIRE YOU BEING PAROLED/REPAROLED; AND, THE
INTERESTS OF THE COMMONWEALTH WILL BE INJURED IF YOU WERE PAROLED/REPAROLED.
THEREFORE, YOU ARE REFUSED PAROLE/REPAROLE AT THIS TIME. THE REASONS FOR THE
BOARD'S DECISION INCLUDE THE FOLLOWING:

YOUR LACK OF REMORSE FOR THE OFFENSE(S) COMMITTED.

THE RECOMMENDATION MADE BY THE DEPARTMENT OF CORRECTIONS.

REPORTS, EVALUATIONS AND ASSESSMENTS CONCERNING YOUR PHYSICAL, MENTAL AND
BEHAVIOR CONDITION AND HISTORY.

YOUR UNACCEPTABLE COMPLIANCE WITH PRESCRIBED INSTITUTIONAL PROGRAMS.

YOU WILL BE REVIEWED IN OR AFTER MARCH, 2006, OR EARLIER, IF RECOMMENDED BY
THE DEPARTMENT OF CORRECTIONS/COUNTY PRISON STAFF.

AT YOUR NEXT INTERVIEW, THE BOARD WILL REVIEW YOUR FILE AND CONSIDER:

WHETHER YOU HAVE PARTICIPATED IN/SUCCESSFULLY COMPLETED A TREATMENT PROGRAM

(CONTINUE ON PAGE 2)

FILE COPY

Notice of Board Decision
PBPP 15(08/02) 1 of 2

ACTION RELEASED

130

PAROLE NO: 0312V

(CONTINUED FROM PAGE 1)

FOR:

SUBSTANCE ABUSE AS PRESCRIBED BY DEPARTMENT OF CORRECTIONS.

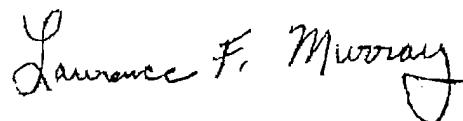
WHETHER YOU HAVE RECEIVED A FAVORABLE RECOMMENDATION FOR PAROLE FROM THE DEPARTMENT OF CORRECTIONS.

WHETHER YOU HAVE MAINTAINED A CLEAR CONDUCT RECORD AND COMPLETED THE DEPARTMENT OF CORRECTIONS' PRESCRIPTIVE PROGRAM(S).

YOUR EFFORTS TO SECURE AN APPROVED HOME PLAN WILL BE SUBMITTED TO THE BOARD AT THE TIME OF REVIEW.

KLD 03/29/2005

FILE COPY



Lawrence F. Murray
Board Secretary

Notice of Board Decision
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